

Remarks

This Application has been carefully reviewed in light of the final Office Action mailed December 19, 2003. Claims 25 and 36 have been amended to clarify their structure. These amendments are not narrowing. Claims 13-14, 24-25, 35-36, and 46 have been amended to clarify that the first level and the second level of the predetermined hierarchical arrangement each include a plurality of members arranged in a predetermined manner with respect to the first axis and for which the supply chain data is displayed in response to selection of the first level or second level, respectively. Claims 15-17, 26-28, and 37-39 have been amended in accordance with the amendments to Claims 13, 24, and 35 on which they depend, respectively. These amendments are not narrowing. None of these amendments are considered necessary for patentability. Applicants respectfully request consideration and allowance of all pending claims.

Applicants' Claims are Allowable under 35 U.S.C. § 102

The Examiner rejects Claims 13, 15-18, 21-24, 26-29, 32-35, 37-40, and 43-46 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 5,861,885 to Strasnick, et al. ("*Strasnick*"). Applicants respectfully disagree.

Strasnick is directed to an information landscape data representation, which extends the three-dimensional bar chart paradigm into a navigable three-dimensional display space so that more information can be seen. (Column 3, Lines 51-60) *Strasnick* discloses using this representation to display information for a sales database, the illustrated topology representing a hierarchy within a hypothetical sales organization. (Column 6, Lines 26-29) *Strasnick* discloses the hierarchy being displayed on a ground plane of the information landscape irrespective of any axis. (See, e.g., Column 4, Lines 27-29 and Column 6, Lines 26-35) However, *Strasnick*, whether considered alone or in combination with knowledge generally available to those having ordinary skill in the art at the time of invention, fails to disclose, teach, or suggest various limitations recited in Applicants' claims. Applicants discuss Claim 1 as an example.

For example, *Strasnick* fails to disclose, teach, or suggest a graphical user interface coupled to a database and operable to "display a graph comprising a plurality of axes, *a first*

axis being associated with a first dimension of the supply chain data, the first dimension for the first axis being associated with a first predetermined hierarchical arrangement of supply chain data for the first dimension," as recited in Claim 1. The hierarchical arrangement displayed in *Strasnick* is merely displayed on a ground plane of the information landscape irrespective of any axis. Although *Strasnick* uses the term "axis," *Strasnick* makes clear that the term "axis" is used only to refer to a width (i.e. X axis) or height (i.e. Y axis) of a display or of one or more objects in the display such that a user may alter the user's perspective of the information landscape. (See, e.g., Column 1, Lines 40-50 and Column 16, Lines 48-63) For example, *Strasnick* discloses adjusting the perspective of the information landscape by adjusting the *X* or horizontal dimension relative to the viewpoint of the user. (See Column 16, Lines 33-63) This involves merely adjusting the look of the display and has nothing to do with "display[ing] a graph comprising a plurality of axes, *a first axis being associated with a first dimension of the supply chain data,*" let alone that "*the first dimension for the first axis [is] associated with a first predetermined hierarchical arrangement of supply chain data for the first dimension,*" as recited in Claim 1.

As another example, *Strasnick* fails to disclose, teach, or suggest "a first predetermined hierarchical arrangement of supply chain data for the first dimension comprising . . . *a plurality of levels each comprising one or more members, the plurality of levels comprising a first level comprising a plurality of members arranged in a predetermined manner with respect to the first axis and a second level comprising a plurality of members arranged in a predetermined manner with respect to the first axis,*" as recited in Claim 1 as amended. *Strasnick* merely discloses displaying a hierarchical relationship of cells on a ground plane of an information landscape irrespective of any axis. Thus, *Strasnick* fails to disclose, teach, or suggest "*a first level comprising a plurality of members arranged in a predetermined manner with respect to the first axis*" and "*a second level comprising a plurality of members arranged in a predetermined manner with respect to the first axis,*" as recited in Claim 1.

As another example, *Strasnick* fails to disclose, teach, or suggest the following limitations as specifically recited in Claim 1:

- ***in response to selection of the first level for display of supply chain data with respect to the first axis***, display on the graph a graphical representation of supply chain data for each of the plurality of members in the first level; and
- ***in response to selection of the second level for display of supply chain data with respect to the first axis***, display on the graph a graphical representation of supply chain data for each of the plurality of members in the second level.

In fact, *Strasnick* does not disclose any "levels" that may be selected. *Strasnick* merely discloses various navigation techniques such as the "warp navigation" to which the Examiner refers, which allows a user to zoom into a particular data object for close-in viewing of the data object. (Column 8, Lines 28-30) As an example, warp navigation allows a navigator to focus on a single cell of interest. (Column 8, Lines 30-32) Certain displayed hyperlinks enable a navigator to warp to the hierarchical children, siblings, or parent of the cell. (Column 8, Lines 32-37) *Strasnick* does not discuss such "warping" to various levels of the hierarchy for display of associated data with respect to any axis. *Strasnick* fails to disclose, teach, or suggest "***in response to selection of the first level for display of supply chain data with respect to the first axis***, display[ing] on the graph a graphical representation of supply chain data for each of the plurality of members in the first level," as recited in Claim 1. Similarly, *Strasnick* fails to disclose, teach, or suggest "***in response to selection of the second level for display of supply chain data with respect to the first axis***, display[ing] on the graph a graphical representation of supply chain data for each of the plurality of members in the second level," as recited in Claim 1.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. § 2131. In addition, "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131. As illustrated above, *Strasnick* fails to disclose, either expressly or inherently, each and every limitation recited in Applicants' Claim 1, as is required under the M.P.E.P. and governing Federal Circuit cases.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependent claims. For reasons similar to those discussed above with reference to independent Claim 1, Applicants respectfully request reconsideration and allowance of independent Claims 24, 35, and 46 and their dependent claims.

All of Applicants' arguments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from *Strasnick*. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. The example distinctions discussed by Applicants are sufficient to overcome the anticipation rejection.

Applicants' Claims are Allowable under 35 U.S.C. 103(a)

The Examiner rejects Claims 14, 19-20, 25, 30-31, 36, and 41-42 under 35 U.S.C. § 103(a) as being unpatentable over *Strasnick*. Claims 14 and 19-20 (which depend from independent Claim 1), Claims 25 and 30-31 (which depend from independent Claim 24), and Claims 36 and 41-42 (which depend from independent Claim 35) depend from allowable independent claims and are allowable for at least this reason. In addition, Claims 14, 19-20, 25, 30-31, 36, and 41-42 recite further patentable distinctions over the prior art of record. To avoid burdening the record and in view of the clear allowability of independent Claims 1, 24, and 35, Applicants do not specifically address these distinctions in this Response. However, Applicants reserve the right to discuss these distinctions in a future Response or on Appeal, if appropriate. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 14, 19-20, 25, 30-31, 36, and 41-42.

Conclusion

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner believes a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Christopher W. Kennerly, Attorney for Applicants, at the Examiner's convenience at (214) 953-6812.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Christopher W. Kennerly
Reg. No. 40,675

Correspondence Address:
2001 Ross Avenue
Dallas, Texas 75201-2980
Tel. (214) 953-6812

Date: 3/18/04